

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

WORKSHOP MEETING
MAY 6, 2014
7:00 P.M.
1

The Workshop Meeting of the Borough of Butler Mayor and Council was opened by Mayor Alviene who indicated that the meeting was being held in compliance with the Open Public Meetings Act having been duly advertised and posted in Borough Hall.

ROLL CALL

PRESENT: Mayor Alviene, Councilman Fox, Councilman Regis, Councilman Verdonik and Council President Vath

ABSENT: Councilman McNear and Councilman Meier

ALSO PRESENT: R. Oostdyk, Borough Attorney and M. O’Keefe, Borough Clerk

Motion to excuse the absence of Councilman McNear and Councilman Meier

Moved: Vath

Second: Fox

All in favor.

RESOLUTION(S):

R 2014-50 Resolution Authorizing the Purchase of Two Police Vehicles

These replacement vehicles were included in the 2014 budget and will be purchased from the Morris County Co-op.

Moved: Fox

Second: Vath

Voted Aye: Fox, Regis, Verdonik and Vath

Voted Nay: None

Absent: McNear and Meier

R 2014-50 approved.

DISCUSSION

Letter from Congressman Frelinghuysens’ Office detailing process for procurement and exhibition of a piece of steel from the World Trade Center for use as a memorial for firefighters. After discussion, the Mayor and Council agreed on procurement, further discussion is required regarding placement of the piece.

CORRESPONDENCE

A letter from Cherie Pettenger Hiller re: 53 Carey Avenue

Ms. Pettenger read a letter (copy attached) regarding her property located at 53 Carey Avenue, the Planning Board recently heard a variance application from the prospective buyer, and the board noted there was not enough parking for the proposed use, the board did not render a decision as the applicant withdrew the application. Ms. Pettenger informed the Mayor and Council that she had a conversation with a member of the Recreation Commission, who stated they might be interested in purchasing this property for use by the Recreation Commission. Ms. Pettenger noted that it is becoming increasingly difficult to pay the real estate taxes for this property while living on a fixed income. Mayor Alviene explained that should the Borough procure this property, renovations would be required to bring the building up to code and add another property for the Borough to maintain. Councilman Fox noted that he sits on the Planning Board, but does not sit on use variance applications, stated you cannot “spot zone” or do an overlay. Furthermore, when you apply to the Land Use Board for a variance you put forth your request, present evidence and let the Board decide. The consensus was that when Ms. Pettenger finds another buyer a new application would be required. Mr. Oostdyk stated the options available, which are continuing current usage, which is as an educational use; apply to the Planning Board for a variance to change the current usage designation, parking would be one of the areas reviewed. Councilman Fox

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

WORKSHOP MEETING
MAY 6, 2014
7:00 P.M.
2

reiterated that the Board has an open mind regarding applications. Mr. Oostdyk explained that the Board would work with applicants to rehabilitate the property; however, any changes in usage would require application to the Board. Mr. Pettenger noted that the owner of 45 Carey Avenue expressed interest in annexing the property. Additionally, Mr. Pettenger explained that he has been financially helping his parents, but with his own family and home, he is sure that if the property is not sold, it will probably end up in tax sale. The Mayor and Council instructed Ms. Pettenger to contact Karen Becker for her insight on this issue.

PROCLAMATION

National School Nurse Day Proclamation

The Mayor and Council endorsed the proclamation proclaiming May 7, as National School Nurse day.

OPEN PUBLIC DISCUSSION

Mayor Alviene opened the meeting to the public at this time.

Seeing no one come forward to speak a motion was made to close the public portion of the meeting.

Moved: Fox

Second: Regis

All in favor.

Motion to enter in to closed session for reasons of Attorney Client Privilege – Public Safety Committee Roles and Responsibilities

Moved: Fox

Second: Vath

All in favor.

Motion to return to open session

Moved: Fox

Second: Regis

Motion to adjourn the meeting:

Moved: Fox

Second: Regis

All in favor.

ADJOURNMENT: 8:35 p.m.

Adopted: June 17, 2014



Robert W. Alviene, Mayor

Attest:



Mary A. O'Keefe, RMC

Municipal Clerk

Dated: June 17, 2014

MINUTES OF:
DATE OF MEETING:
TIME OF MEETING:
PAGE NO.

WORKSHOP MEETING
MAY 6, 2014
7:00 P.M.
3

BOROUGH OF BUTLER
RESOLUTION R2014-50

AUTHORIZATION TO PURCHASE A POLICE VEHICLE FOR THE POLICE
DEPARTMENT
MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, in the past, the Borough of Butler has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the Morris County Cooperative Pricing Council pursuant to N.J.S.A. 40A:11-10; and

WHEREAS, it is desirable from time-to-time to obtain materials, supplies, services and equipment under contracts for such materials, supplies, services and equipment entered into on behalf of the Morris County Cooperative Pricing Council without the necessity of advertising for bids, or in the cases where no bids have been received; and

WHEREAS, the Borough of Butler Police Department desires to purchase two 2014 Ford Interceptor Utility Police Packages Vehicles (Contract #15A, item #3), under such contract entered into on behalf of the Morris County Cooperative Pricing Council by said Council for contract period 11/1/2013 – 10/31/2014.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Butler, County of Morris and State of New Jersey, that the purchase by the Borough of two 2014 Ford Interceptor Utility Police Package Vehicles for the Police Department shall be purchased at a cost not to exceed \$71,872.50 under a contract for such service entered into on behalf of the Morris County Cooperative Pricing Council with Beyer Ford.

Adopted: May 6, 2014



Robert W. Alviene, Mayor

Attest:



Mary O'Keefe, Borough Clerk

Dated: May 6, 2014

Mayor Alvrene & Town Council
I'm asking for your help in getting a use variance for our property - 53 Carey Ave (prior 1st Aid Squad, Butler Elks & 1st time tax property Dance School since 1994) to sell it to Butler Carey Associates, LLC. They wish to put 2 offices in the space. The board was concerned about the parking & said the buyer couldn't issue spaces for the front lot - from his surrounding property. Our lot is bordered on 3 sides with theirs. There is parking allowed on the street. It is my understanding that there is room for 4 in front of our building & that they would need 7 more spaces. There is a large parking lot behind their building. The property has been for sale for some time & no one else is interested. If this property can be sold & renovated it would improve the area rather than have a deteriorating one. (buyer withdrew application *)
Mr. Hiller has been disabled since 1985 & we only have SS. for income. We can't afford to maintain much longer. Even paying taxes is a hardship. We may not be able to continue to do so, while a buyer would.
I've been in Butler a long time a St Anthony's & BHS graduate - Our family has resided in Butler since early 1970's. I started teaching dance in 1969 @ the Butler VFW - then main St & Carey Ave. For 42 years I've brought hundreds of families to our town every week; which I'm sure was good for many other

- 2 -

local businesses as well.

Due to the economy I closed my dance school in June 2011 - thus its been empty for nearly 3 years. I feel if the buyer is still willing to purchase & renovate - it would be an asset & a plus all around for the street.

I'm asking for your help if possible or suggestions on how to make this happen. Without help the building will certainly go into tax foreclosure.

Its hard to believe that 7 parking spaces is holding up a sale to:

- ① bring economic business to town
- ② help a struggling local lifetime senior family financially
- ③ improve the area

It could be a win win for this property & Butler

Respectfully,
Cherie Pettenger Heller
Charles Heller

47 Kiel Ave
Butler, N.J. 07405
973-838-2832

R 2014-51
MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Borough Council of the Borough of Butler on the 6th day of May 2014, that:

1. Prior to conclusion of the business meeting, the Borough Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () B. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () B. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () B. (3) A matter the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () B. (4) A collective bargaining agreement including negotiations.
 - () B. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () B. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure would impact such protection. Investigation of violations of the law.
 - (X) B. (7) Pending or anticipated litigation or contract negotiations other than in Subsection b. (4) herein or matters falling within the attorney-client privilege.
 - () B. (8) Personnel matters.
 - () B. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Moved: Fox

Second: Vath